

**FREDERICK COUNTY LIQUOR BOARD**  
***Public Meeting Minutes***  
***Monday, August 2, 2010***

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Those Present: Mr. James E. McClellan, Chairman  
Mr. Robert C. Snyder, Board Member  
Mr. Charles R. Cline, Board Member  
Mrs. Linda B. Thall, Sr. Assistant County Attorney  
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector  
Ms. Kathy L. Vahle, Administrator  
Mrs. Ashley Sklarew, Administrative Specialist IV  
Mrs. Sandra Rees, Administrative Specialist IV

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A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:30 am by Chairman McClellan.

1. **Shab Row Bistro & Wine** – Ms. Vahle stated that this licensee would like to close for two or three weeks to renovate the back area of the restaurant to expand the kitchen. It will not affect the seating space. The goal is to close on August 15 and to reopen on September 3, 2010. The Board approved this request.
2. **Will's Place** – Ms. Vahle stated she had planned to schedule them for a violation hearing for not requesting entertainment approval. They did advertise in the Frederick News Post for entertainment without getting permission from the Board. However, when the Liquor Inspector went to the establishment, there was no entertainment. As there was no violation, a violation letter will not be sent.
3. **Frederick Fairgrounds** – Ms. Vahle stated they have requested an approval for a one day license for a beer garden. The non-profit paper work has been submitted and approved. Mr. Snyder and Mr. Cline approved this request. Chairman McClellan recused himself from this decision.
4. **One Day License** – Mr. Cline suggested that an increase of the \$10 fee for a one day Special License be proposed to the Delegation. Mrs. Thall suggested that the Board consider limiting the number of proposed fee increases instead of the broader approach taken last year. Ms. Vahle will put this subject on her calendar for September and will be seeking direction from the Board on which fee increases to include in the proposal.

5. **Café 611** – Ms. Vahle stated this establishment requested to open at 4PM Tuesday through Friday because of health reasons. The Board denied this request.
6. **Avalon Restaurant** – Ms. Vahle stated that this licensee had requested permission to have karaoke entertainment. Another licensee was complaining that the Avalon was having entertainment and had not requested permission. Ms. Vahle asked whether the Board considered karaoke to be live entertainment and the Board decided that it was. The Board approved this request and also decided to approve all karaoke requests until further notice, but other live entertainment will still have to come before the Board.
7. **Beer Pong** – There was an article in the Frederick News Post regarding beer pong being played at the Bentz Street Raw Bar. Ms. Vahle stated that this is a statewide tournament and she viewed a video online and saw there was water in the cups but cups of beer on the tables. The Board requested that Bentz Street Raw Bar be brought in for a conference to discuss how these tournaments are being played and to answer the Board's questions.
8. **Wilcom's Inn** – This licensee has requested to have Pour House Trivia every Thursday. Ms. Vahle will look into what prizes are being given away and let the Board know.
9. **TGI Fridays** – This licensee is requesting approval to have a bartenders championship contest. This is a nationwide event. There are a lot of prizes to be given away. Ms. Vahle will find out what prizes will be given away.
10. **Micallie's** – They were given a one-year extension and are now requesting a second year extension because of a delay in the landlord obtaining financing for the build out. The Board previously denied this request. They are now asking what is the maximum length of the extension that the Board would approve. Mr. Snyder initially proposed a six-week extension, but the Board denied the request. A new application will be required.
11. **Hampton Inn** – They received approval from the franchise to include signage indicating that they do serve beer, wine and liquor. They have a plan in place that if someone orders alcohol that they can make the drink in the back and bring it out to them. If they decide to go to a Country Inn license at a later date that is up to them, but they are now in compliance.

12. **Vote by Polls** – Mr. Cline discussed voting by poll telephone requests. He asked what was the meaning of the initials “LM” on the forms. Ms. Vahle told him that it meant a telephone message had been left for him. Mr. Cline explained that he is not close to a phone during the day and does not get the message until the evening and cannot call back until around lunch time the next day, and that is why he has not been returning calls. He also stated he does not agree with taking votes by poll and would like to hear from the other two Commissioners before he votes. Mr. Cline stated that if a telephone poll is taken and the other Commissioners vote to approve or deny a request, that is okay with him. Mr. Snyder stated he did not want to exclude Mr. Cline, but he could either call back around lunch time the next day or leave a message on voicemail at anytime.

13. Decision Required: Transfer/Upgrade

**TRANSFER FROM:**

RE: Biba Sardessai and Harpreet  
Singh Gulati for the use of  
Manny Convenience, LLC  
t/a Express Convenience  
430 A E Patrick St.  
Frederick, MD 21701  
**Class A, Off Sale, Beer only  
Sunday Permit**

**TRANSFER & UPGRADE TO:**

RE: Biba Sardessai for the use of  
Manny Convenience Store, LLC  
t/a 7-Express Convenience  
430 A E Patrick St.  
Frederick, MD 21701  
**Class A, Off Sale, Beer & Light Wine  
Sunday Permit, Beer & Wine Tasting**

The Board held a hearing for a transfer and upgrade of the license. Ms. Vahle swore in the applicant (See attached Sign In Sheet). The only item pending is the Fire Marshal approval. Harpreet Gulati stated he did not know he had to notify the Fire Marshal but he will notify him as soon as possible. The Liquor Inspector stated that they were compliant.

**MOTION ONE:** Mr. Snyder made a motion for a conditional approval until September 13, 2010.

**SECOND:** Mr. Cline seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Snyder – Aye  
Mr. Cline – Aye  
Mr. McClellan-Aye

**Aye – 3 Nay – 0**

**(Motion Passed)**

14. Decision Required: Violation

RE: Charles L. Kidd III  
for the use of Canal Bar & Grill, Inc.  
t/a Canal Bar & Grill  
49 S Market Street  
Frederick, Maryland 21701  
Class B, On Sale, Beer, Wine & Liquor  
License Number 11BL 1269  
FCLB Case Number: 4405

The Board held a violation hearing for not having seating for 50 people at tables on March 14, 2010 and March 17, 2010. Mrs. Thall swore in the licensees. (See attached Sign In Sheet). Mr. Kidd pled Guilty to both of these charges. Mr. Kidd stated he was trying to maximize space and had moved the tables and chairs around.

**MOTION ONE:** Mr. Snyder made a motion for a fine of \$250 on each charge with a 10 day suspension but will hold the 10 day suspension in abeyance. If the violation occurs again, the suspension will activate.

**SECOND:** Mr. Cline seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Snyder – Aye  
Mr. Cline – Aye  
Mr. McClellan-Aye

**Aye – 3 Nay – 0**

**(Motion Passed)**

15. Decision Required: Violation

RE: Jean P. Snyder & David A. Snyder  
for the use of Enola, Inc.  
t/a Café Nola  
4 E. Patrick Street B  
Frederick, Maryland 21701  
Class B, On Sale, Beer, Wine & Liquor  
License Number 11BL 2067  
FCLB Case Number: 4404

The Board held a violation hearing for not having 50 seats at tables on March 14, 2010. Mrs. Thall swore in the licensees. (See attached Sign In Sheet). Mr. Snyder pled Guilty. David Snyder stated there had been a birthday party and the tables and chairs had been moved around and put in the hallway.

**MOTION ONE:** Mr. Cline made a motion for a fine of \$200 with a 10 day suspension but to hold the 10 day suspension in abeyance. If the violation occurs again, the suspension will activate.

**SECOND:** Mr. Snyder seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Cline – Aye  
Mr. Snyder – Aye  
Mr. McClellan-Aye

**Aye – 3 Nay – 0**

**(Motion Passed)**

16. Decision Required: Violation

RE: Jennifer P. Dougherty &  
Bruce Rhoderick for the use of  
Magoo's of Frederick, LLC  
t/a Magoo's Pub & Eatery

1-A W. Second Street  
Frederick, Maryland 21701  
Class B, On Sale, Beer, Wine & Liquor  
License Number 11BL 2881  
FCLB Case Number: 4406

The Board held a violation hearing for allowing the consumption of alcoholic beverages outside of the premises without the permission of the Board. Mrs. Thall swore in the licensees. (See attached Sign In Sheet). Ms. Dougherty asked to see the pictures before she pled. After viewing the pictures she then pled Guilty. Ms. Dougherty stated that Mr. Plant an employee, was watching the door, but there are several doors and these customers came out without him seeing them. He asked them to go back inside and they refused and then asked them to leave the establishment.

**MOTION ONE:** Mr. Snyder made a motion for a fine of \$200 and to suspend \$100.

**SECOND:** Mr. Cline seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Snyder – Aye  
Mr. Cline – Aye  
Mr. McClellan-Aye

**Aye – 3 Nay – 0**

**(Motion Passed)**

17. Decision Required: Violation

RE: Natalia M. Nastovici for the use of  
Pretzel & Pizza Creations, Inc.  
t/a Pretzel & Pizza Creations  
210 N. Market Street  
Frederick, Maryland 21701  
Class B, On Sale, Beer & Light Wine  
License Number 11BW 2791  
FCLB Case Number: 4403

The Board held a violation hearing for three charges: not having wine available for sale on January 12, 2010, February 3, 2010, and February 26, 2010. Mrs. Thall swore in the licensees. (See attached Sign In Sheet). The licensee pled Guilty to all three charges. Ms. Nastovici told the Inspector the reason for not having wine available was because she was waiting to find a type of wine that the customers would like.

**MOTION ONE:** Mr. Cline made a motion for a warning for the first violation; a fine of \$300 for the second violation; and a fine of \$500 for the third violation.

**SECOND:** Mr. Snyder seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Cline – Aye  
Mr. Snyder – Aye  
Mr. McClellan-Aye

**Aye – 3 Nay – 0**

**(Motion Passed)**

18. Decision Required: Approval of the Public Meeting Minutes for February 22, May 3, May 24, June 21, June 28 and July 12, 2010. Mr. Snyder asked that the Minutes for February 22, 2010, be amended to correct Senator Brinkley's title.

Mr. Cline stated that he could not vote for Minutes that were 5 or 6 months old and that he had no recollection of what actually occurred. Ms. Vahle said that he could listen to the recordings of the earlier meetings. Mr. Cline asked that the Minutes show that they were given to the Board and that is where they stand. Also, at the July 12<sup>th</sup> meeting, Mr. Snyder made a comment that the violations were 4 months old and asked Kathy to schedule at least 4 or 5 violations at each meeting so that the Board could dispose of these violations. Mr. Cline asked that Mr. Snyder's comments be added to the Minutes for July 12. He felt that the public should know that the violations are 4 months old and that the Board needed to hear them. Mr. Snyder agreed that the Minutes for July 12, 2010 should be revised to include the discussion regarding scheduling the violation hearings.

**MOTION:** Mr. Snyder made a motion to approve the Minutes for May 3, 2010, May 24, 2010, June 21, 2010 and June 28, 2010.

**SECOND:** Mr. McClellan seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Snyder – Aye  
Mr. McClellan-Aye  
Mr. Cline-Did not vote

The vote was unanimous. **Aye – 2 Nay – 0**  
**(Motion Passed)**

19. **Hamilton's Lounge** - Ms. Vahle stated they had requested an extension until August 1, 2010. The Health Department held up the permit and it is to be released today, they are requesting an extension until October 1, 2010. The Board approved this request.

**ADJOURN**

The meeting was adjourned at 10:04 am.

Respectfully submitted,

Kathy Vahle, Administrator  
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees